



Costs Decision

Site visit made on 31 March 2025

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 April 2025

Costs application in relation to Appeal Ref: APP/V2255/W/24/3357550

4 Church View Cottages, Boxted Lane, Newington, KENT ME9 7LD

- The application is made under the Town and Country Planning Act 1990 (as amended), sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Richard Pearson for an award of costs against Swale Borough Council.
 - The appeal was against the refusal of planning permission for development described as storage for forestry and agricultural equipment and animal feed. This would be a timber frame and wood clad building upon a concrete base with a tin roof and barn door facing south..
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant contends that the reasons provided within the Council's refusal are insufficient. It is further contested that the refusal could have been addressed at the outset of the planning proceedings and this could have avoided unnecessary time and financial expenditure, thereby saving approximately 10 months and over £2,000 in costs. As such, it is the applicant's view that the expense could have been avoided and the planning refusal has resulted in undue stress, financial costs and inconvenience. It is for these reasons an application for an award of costs has been made.
4. The Council comments that whilst the applicant claims the matters relating to the refusal reason could have been addressed, the appellant does not provide any information or detail as to how these matters could have been dealt with.
5. Where the appellant refers to financial matters the Council comments that this may have related to the need for information regarding Biodiversity Net Gain. It was determined that the planning proposal was not exempt from providing a Biodiversity Metric, which was requested by the local planning authority and submitted by the applicant during the course of the Council's consideration of the planning application.
6. The Council points out that although the applicant's appeal statement refers to an award of costs, the refusal reasons are not in any way linked to the matters relating

to the Biodiversity Metric and any matters relating to biodiversity net gain are unrelated to the Council's reason for refusal.

7. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. On the evidence before me, the applicant has not offered any substantive detail as to how the refusal reason matters could have been dealt with or overcome. For this reason, I do not consider any of the matters raised and discussed above would have obviated an appeal in this case.

Conclusion

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, an award of costs is not justified.

Nicola Davies

INSPECTOR